

REMARKS/ARGUMENTS

The Examiner is thanked for the Official Action dated October 27, 2009. This amendment and request for reconsideration is intended to be fully responsive thereto.

Claims 1-8, 12-14, 16-30, 34-36, 38-52, 56-58 and 60-66 were rejected under 35 U.S.C. 102(b) as being anticipated by Kinerson et al. (US Patent No. 6,179,096).

The Examiner alleges that Kinerson teaches all the elements of the present invention as recited in claims 1-8, 12-14, 16-30, 34-36, 38-52, 56-58 and 60-66. Applicant respectfully disagrees.

The stopper 222 of Kinerson, interpreted by the Examiner as the closure member, extends into the passage (aperture) 216, while the present invention recites that the closure member contacts the valve member about the aperture (see the independent claims 1, 23 and 45 of the present invention), i.e., on every side of or around the aperture. In other words, the closure member of the present invention contacts the valve member around the aperture, not extends therethrough. Contrary to the present invention, the stopper 222 of Kinerson extends through the passage 216 and engages the gate 130 within the passage 216 (see Fig. 4 of Kinerson). This structural difference between the present invention as recited in independent claims 1, 23 and 45 of the present invention and Kinerson results in loose contact or no contact between the closure member and the valve member of the present invention. In turn, the structure of the device of the present invention is advantageous comparatively to the

device of Kinerson as it inhibits corrosion caused by the exhaust emissions contaminants and eliminates sticking of the closure member to the valve member.

Accordingly, Applicant respectfully submits that the applied document, *i.e.*, the '096 patent to Kinerson, does not meet this standard of anticipation. Therefore, the rejection of claims 1-8, 12-14, 16-30, 34-36, 38-52, 56-58 and 60-66 under 35 U.S.C. 102(b) as being anticipated by Kinerson is improper.

Claims 9-11, 15, 31-33, 37, 53-55 and 59 were objected to by the Examiner as being dependent upon a rejected base claims. The Examiner noted, however, that claims 9-11, 15, 31-33, 37, 53-55 and 59 would be allowable if rewritten in independent form including all the limitation of the base claim and any intervening claims. As it was argued above, claims 1, 23 and 45 define the invention over Kinerson. Therefore, claims 9-11, 15, 31-33, 37, 53-55 and 59 define the present invention over the prior art and are in condition for allowance.

New claim 67 has been added. New claim 67 is similar to claims 1, 23 and 45 of the present invention and further defines that the relief mechanism engages the closure member and biases the closure member to the closed position thereof, when the valve member is closed, and that the relief mechanism is disengaged from the closure member and does not bias the closure member to the closed position thereof, when the valve member is open. See page 6, lines 9-15 and 24-25, and Figs. 1 and 3 of the present application. No new matter has been added.

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In re Lhote et al.
Reply to Office Action of Oct. 27, 2009

Contrary to the present invention as recited in new claim 67, in the device of Kinerson, the relief actuator mechanism including the actuator member (lever 244) always engages the stopper 222 (is never disengaged), and the stopper 222 is always biased to its closed position by the spring 226, i.e., both in open and closed position of the gate 130. Accordingly, new claim 67 defines the present invention over Kinerson.

It is respectfully submitted that claims 1-67 define the invention over the prior art of record and are in condition for allowance, and notice to that effect is earnestly solicited. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution they are invited to contact the undersigned at the number listed below.

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